IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.162 OF 2005
IN
NOTICE OF MOTION NO. 1278 OF 2003
AND
NOTICE OF MOTION NO. 1688 OF 2003
IN
SUIT NO. 1197 OF 2003

M/s.Polygel Technologies India Pvt. Ltd. ...Appellant

V/s

Intech Polymers Ltd. & Ors. ...Respondents

Shri.Darius Kakalia i/b. Mulla & Mulla for the Appellant.
Ms.Leena Adhvarya i/b. P.M. & M.Co.for Respondent No.1

CORAM : DR.S.RADHAKRISHNAN &

S.J.VAZIFDAR, JJ.

DATE : 20TH MARCH, 2006.

P.C.:

1. Heard the learned Counsel for the parties. By this appeal, the Appellant is challenging the order of the learned Single Judge dated 23rd December, 2004 whereby the Appellant was restrained from manufacturing Organic Titanates. It appears that during the pendency of the appeal, an Expert was appointed as a Commissioner and the Commissioner Shri.Ravi Marphatia has submitted a very detailed report indicating that the Polygel i.e. the Appellant herein has not taken any secrets for manufacturing of Organo Titanates from Intec personnel but developed

the same under the expert guidance of leading technical consultants and published patents. The learned Counsel appearing on behalf of the Original Plaintif-Respondent No.1 herein states that the Plaintiffs are accepting this report for the purpose of this appeal. In view thereof, by consent, the interim order passed by the learned single Judge dated 23rd December, 2004 is set aside. In view of the aforesaid consent, the appeal is accordingly allowed however with no order as to costs.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)